

REMARKS

Claims 24 to 43 and 47 were rejected under 35 U.S.C. §112, second paragraph. Claims 24 to 31, 33 to 36, 39 to 40, 44, 45 and 47 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,627,375 to Rosen (hereinafter "Rosen"). Claims 32, 37 to 38, 41 to 43 and 46 would be allowable if rewritten to overcome the §112 rejections and to include all of the limitations of the base claim and any intervening claims.

Reconsideration of the application based on the following remarks is respectfully requested.

Rejection to 35 U.S.C. §112

Claims 24 to 43 and 47 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

The Office Action asserts on page 2, regarding claims 24 and 34, the cited phrase "insertable between the fixing member" renders the claim indefinite and confusing because it is unclear that the "fixing member" is not positively being claimed in combination with a stanchion. To operate a stanchion it is necessary to fix the main part of the stanchion comprising the lever arrangement to the fixing member. The fixing member is not integral with the stanchion part but is fixed to a bottom part of the vehicle, such that when the remainder of the stanchion is fixed to the fixing member, a rigid vertical connection is created. The claim language provided is clear and definite. The stanchion and fixing member are separate elements and the fixing member is not a part of the invention. The fixing member is used in the claim language to more clearly define the location of a stanchion element.

Claim 33 has been amended to correct the antecedent basis in response to the Office Action. Applicants thank the Examiner for pointing this out.

Withdrawal of the rejection to claims 24 to 43 and 47 under 35 U.S.C. §112 is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 24 to 31, 33 to 36, 39 to 40, 44, 45 and 47 were rejected under 35 U.S.C. §102(b) as being anticipated by Rosen.

Rosen discloses a stanchion 3 for a tarpaulin structure. "The lower end of the each stanchion will then be pivotably mounted about a journal rod or shaft 4, which extends across the lower part of each recess 2 at the platform." (Col. 1, lines 72 to 74).

Independent claims 24, 34, 44 and 45 recite in part "a supporting element insertable between the fixing member and the counterbearing."

Rosen fails to teach or show such a limitation. Regarding claims 24 and 34, the asserted supporting element of Rosen, wedge 6a, is not between recess 2 and shaft 4, the asserted fixing member and counterbearing, respectively. Regarding claims 44 and 45, the Office Action asserts that staple 5 of Rosen is the supporting element. However, staple 5 of Rosen is not insertable between the recess 2 and shaft 4 of Rosen, the asserted fixing member and counterbearing, respectively. Staple 5 is rigidly attached to loading platform 1 and not insertable between recess 2 and shaft 4.

Withdrawal of the rejection to claims 24 to 31, 33 to 36, 39 to 40, 44, 45 and 47 is respectfully requested.

With further regard to claims 24, 44 and 45, claim 24, 44 and 45 also recite in part a counterbearing rigidly attached to the stanchion/ stanchion part. The Examiner alleges that "counterbearing 4 is rigidly attached to the stanchion part 2." However, as this is not true. It is evident from the drawings that the bottom end of stanchion 3 comprises only a partly rounded portion which may be disengaged from counterbearing 4, and therefore is not "rigidly attached."

For this additional reason withdrawal of the rejection to claims 24, 44 and 45 along with their dependent claims is respectfully requested.


CONCLUSION

It is respectfully submitted that the application is in condition for allowance and Applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge any payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris; Reg. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940